

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHARLES EDWARD FANN,)
)
Petitioner,)
)
v.) 2:14-cv-0746-ACK-JEO
)
GARY HETZEL, Warden, and the)
ATTORNEY GENERAL FOR THE)
STATE OF ALABAMA,)
)
Respondents.)

MEMORANDUM OPINION

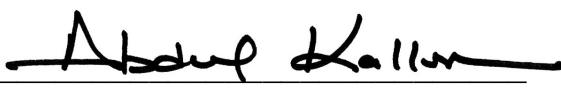
This is a habeas corpus case brought pursuant to 28 U.S.C. § 2254 by Charles Edward Fann, an Alabama state prisoner acting *pro se*. Doc. 1. On April 28, 2014, the magistrate judge entered a report recommending that the petition be denied and that the action be dismissed with prejudice, on the ground that Fann's claims are both time barred and without merit. Doc. 4. Fann has now filed a timely objection to the magistrate judge's report and recommendation. Doc. 5.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation of the magistrate judge and the petitioner's objection thereto, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court further concludes that the arguments raised in Fann's objections are adequately addressed by the magistrate judge's report and recommendation. Accordingly, those objections are OVERRULED. As a result, this action is due to be DISMISSED WITH PREJUDICE. Furthermore, because the petition does not present issues that are debatable among jurists of reason, the court concludes that a certificate of appealability is also due to be

DENIED. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); Rule 11(a), RULES GOVERNING § 2254 PROCEEDINGS.

A separate final judgment will be entered.

DONE, this 12th day of May, 2014.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE